

said disc shaped recording medium,

wherein said disc cartridge has a locking member for locking said insertion and removal port opening and closing member, and

wherein at least a part of a locking cancellation preventing member which prevents said locking member from moving for canceling the locking is arranged on a moving path for said locking member along which said locking member moves in an inward direction of said disc cartridge with respect to an outer portion of said disc cartridge so as to cancel the locking.

REMARKS

By the above amendment, claim 8 has been amended to delete the phrase "disc-like" and to insert therefor "disc shaped" so as to define the recording medium. Additionally, claim 8 has been amended to more clearly define the path of movement of the locking member along which the locking canceling preventing member is arranged.

Turning to the rejection of claims 8-10 under 35 U.S.C. §112, second paragraph, this rejection is traversed insofar as it is applicable to the present claims, and reconsideration and withdrawal of the rejection are respectfully requested.

In setting forth the rejection, the Examiner apparently contends that the term "like" in disc-like renders the claims indefinite. By the present amendment, such terminology has

been changed to "disc shaped" recording medium, and applicants submit that such amendment should overcome the rejection of claims 8-10 under 35 U.S.C. §112, second paragraph.

With respect to the rejection of claims 8-10 under 35 U.S.C. §102(e) as being anticipated by Kawamura et al (U.S. Patent 5,764,622), this rejection is traversed insofar as it is applicable to the present claims, and reconsideration and withdrawal of the rejection are respectfully requested.

In order to support a rejection under 35 U.S.C. §102, reference is made to the decision of Ex parte Levy, 17 USPQ 2d 1461 (PTO of Bd. of App. & Int. 1990), wherein the board pointed out that the factual determination of anticipation requires the disclosure in a single reference of every element of the claimed invention and it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference.

At the outset, it is noted that by the present amendment, claim 8 has been amended to recite the feature that at least a part of a locking canceling preventing member which prevents said locking member from moving for canceling the locking is arranged on a moving path for said locking member along which said locking member moves in an inward direction of said disc cartridge with respect to an outer portion of said disc cartridge so as to cancel the locking. Referring to Figs. 2A-2C of the drawings of this application, for example, an outer side portion of the disc cartridge 1 is provided with a

locking hole 7a in which the locking hook 6a is received and which is prevented for movement by the cancellation preventing member 16a which is arranged along the moving path of the locking member as represented by the arrow in Fig. 2B, which moving path is in an inward direction of the disc cartridge 1 at least with respect to the outer side portion thereof as illustrated in the left-hand side of the figure. With this feature of the invention, it can be known whether or not the disc has ever been taken out from the disc cartridge in that, if the locking member can be moved, it is known that the disc has been taken out and the locking member cannot be moved, it is known that the disc has not yet been taken out. At this time, since the insertion removal port opening and closing member 10 is not moved in the outward direction of the disc cartridge, it is possible to know whether or not the disc has ever been taken out without performing a motion for taking out the disc.

With regard to Kawamura et al, while the Examiner indicates that 14 represents a locking cancellation preventing member which prevents the locking member 18 from moving for canceling the locking and is arranged at a moving path (Fig. 6c) for the locking member (18) along which the locking member (18) is required to move so as to cancel the locking, it is noted that the claw 14 of Kawamura et al is arranged along a moving path for the locking portion 18 along which the locking portion 18 moves in an outward direction of the disc

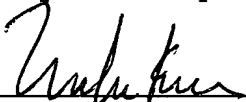
cartridge. After taking out the claw 14, in accordance with Kawamura et al, the holding portion 16 having the locking portion 18 as a part thereof is rotated in the outward direction of the disc cartridge, and the holding portion 16 opens the disc cartridge, whereby the disc can be taken out. As such, the claw 14 of Kawamura et al is not arranged on the path along which the locking portion 18 moves in an inward direction of said disc cartridge with respect to an outer portion of said disc cartridge so as to cancel the locking as now recited in claim 8 of this application. Moreover, the claw 14 of Kawamura et al does not prevent the locking portion 18 from moving in the inward direction for canceling the locking. In Kawamura et al, it is only known whether the disc has ever been taken out by rotating the holding portion 16 having the locking portion 18 in the outward direction of the disc cartridge even after the claw 14 is taken out. That is, if the holding portion 16 can be moved, it is known that the disc has been taken out, and if the holding portion 16 cannot be moved, it is known that the disc has not been yet taken out. Since the holding portion 16 is moved in the outward direction of the disc cartridge in order to confirm whether or not the disc has ever been taken out, there is a risk that the disc is dropped outwardly from the disc cartridge. While the claw 14 of Kawamura et al inherently prevents the holding portion 16 from moving outside the cartridge, the claw 14 is not structured so as to prevent engagement between the locking

portion 18 and the locked portion 19 from being canceled, and is not structured in the manner recited in claim 8 and the dependent claims thereof. Thus, applicants submit that claim 8 and the dependent claims patentably distinguish over Kawamura et al in the sense of 35 U.S.C. §102 and 35 U.S.C. §103, and should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims are in compliance with 35 U.S.C. §112, and patentably distinguish over the cited art. Accordingly, issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.37153X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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DISC INSERTION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claim 8 as follows:

8. (amended) A disc cartridge for receiving a [disc-like] disc shaped recording medium therewithin, comprising:

said [disc-like] disc shaped recording medium being insertable and removable from said disc cartridge, said disc cartridge having an insertion and removal port opening and closing member; and

said disc insertion and removal port opening and closing member being moved from said disc cartridge when taking out said [disc-like] disc shaped recording medium,

wherein said disc cartridge has a locking member for locking said insertion and removal port opening and closing member, and

wherein at least a part of a locking cancellation preventing member which prevents said locking member from moving for canceling the locking is arranged [at] on a moving path for said locking member along which said locking member [is required to move] moves in an inward direction of said disc cartridge with respect to an outer portion of said disc cartridge so as to cancel the locking.

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